

SEP 19 2011

**Board of Vocational Nursing
and Psychiatric Technicians**

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
LANGSTON M. EDWARDS
Deputy Attorney General
State Bar No. 237926
300 S. Spring Street,
Licensing Section
Los Angeles, CA 90013
Telephone: (213) 620-6343
Facsimile: (213) 897-2804
Attorneys for Complainant

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-3456

KAREN FAY JACKSON
15601 Pinto Way
Chino Hills, California 91709

ACCUSATION

Vocational Nurse License No. VN 108324

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about April 21, 1982, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 108324 to Karen Fay Jackson

1 (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to
2 the charges brought herein and will expire on April 30, 2012, unless renewed.

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5 **JURISDICTION**

6 3. This Accusation is brought before the Board under the authority of the following
7 laws. All section references are to the Business and Professions Code (Code) unless otherwise
8 indicated.

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10 **STATUTORY PROVISIONS**

11 4. Code section 118, subdivision (b) provides, in pertinent part, that the expiration of
12 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during
13 the period within which the license may be renewed, restored, reissued or reinstated. Under Code
14 section 2892.1, the Board may renew an expired license at any time within four years after the
15 expiration.

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17 5. Section 490 of the Code provides, in pertinent part, that a board may suspend or
18 revoke a license on the ground that the licensee has been convicted of a crime substantially
19 related to the qualifications, functions, or duties of the business or profession for which the
20 license was issued.

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22 6. Section 493 of the Code states:

23 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
24 the department pursuant to law to deny an application for a license or to suspend or revoke a
25 license or otherwise take disciplinary action against a person who holds a license, upon the
26 ground that the applicant or the licensee has been convicted of a crime substantially related to the
27 qualifications, functions, and duties of the licensee in question, the record of conviction of the
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1 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
2 and the board may inquire into the circumstances surrounding the commission of the crime in
3 order to fix the degree of discipline or to determine if the conviction is substantially related to the
4 qualifications, functions, and duties of the licensee in question.”

5 7. Section 2875 of the Code provides, in pertinent part, that the Board may discipline
6 the holder of a vocational nurse license for any reason provided in Article 3 (commencing with
7 section 2875) of the Vocational Nursing Practice Act.
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9 8. Section 2878 of the Code states, in pertinent part:
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11 “The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing
12 Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

13 “(a) Unprofessional conduct. . .

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15 . . .

16 “(f) Conviction of a crime substantially related to the qualifications, functions, and
17 duties of a licensed vocational nurse, in which event the record of the conviction shall be
18 conclusive evidence of the conviction.”

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20 9. Section 2878.5 of the Code states, in pertinent part:

21 “In addition to other acts constituting unprofessional conduct within the meaning of this
22 chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the
23 following:

24 “(b) Use any controlled substance as defined in Division 10 of the Health and Safety
25 Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in
26 a manner dangerous or injurious to himself or herself, any other person, or the public, or to the
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1 extent that the use impairs his or her ability to conduct with safety to the public the practice
2 authorized by his or her license.

3 “(c) Be convicted of a criminal offense involving possession of any narcotic or
4 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
5 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
6 conclusive evidence thereof. . . .”
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8 **REGULATORY PROVISIONS**

9 10. Title 16, California Code of Regulations, section 2518.6, states, in pertinent part:

11 “(b) A licensed vocational nurse shall adhere to standards of the profession and shall
12 incorporate ethical and behavioral standards of professional practice which include but are not
13 limited to the following:
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15 ...

16 (4) Abstaining from chemical/substance abuse. . . .”

17 11. Title 16, California Code of Regulations, section 2521, states, in pertinent part:

18 “For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
19 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
20 considered to be substantially related to the qualifications, functions or duties of a licensed
21 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
22 vocational nurse to perform the functions authorized by his license in a manner consistent with
23 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
24 involving the following:
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1 “(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting
2 the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
3 Business and Professions Code.

4 **COST RECOVERY**

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6 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request
7 the administrative law judge to direct a licensee found to have committed a violation or
8 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
9 and enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**
11 **(Conviction of Substantially Related Crime)**

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13 13. Respondent is subject to disciplinary action under Code section 2878, subdivision
14 (f), and Title 16, California Code of Regulations, section 2521, subdivision (c), in that on or about
15 May 25, 2010, Respondent was convicted of a crime substantially related to the qualifications,
16 functions, and duties of a vocational nurse, as follows:

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18 a. On or about May 25, 2010, after pleading nolo contendere, Respondent was
19 convicted of one count of violating Vehicle Code section 23152(b) [driving a vehicle with a blood
20 alcohol content of 0.08% or more], in the criminal proceeding entitled *The People of the State of*
21 *California v. Karen Fay Jackson* (Super. Ct. Los Angeles County, 2010, Case No. 0NW01570).
22 Respondent was sentenced to three years of probation with terms and conditions. As a result of
23 her conviction, the Respondent was also ordered to pay \$1,518.00 in fines, fees and penalties.

24 b. The circumstances surrounding that conviction are that on or about March 6, 2010,
25 a California Highway Patrol Officer responded to a traffic collision on Interstate 5 near Vista del
26 Lago Road, in Los Angeles County. There, the officer encountered the Respondent, who had
27 collided with another vehicle as Respondent was driving southbound in the northbound lanes of
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1 Interstate 5. Respondent admitted to police that she had consumed beer and prescription drugs
2 earlier in the evening. Respondent was given a Field Sobriety Test, which she failed to perform
3 successfully. Respondent also submitted to a breath test, the results of which demonstrated that
4 Respondent had a blood alcohol concentration of .18% and .17%, respectively. The officer
5 initially placed Respondent under arrest for violating Vehicle Code section 23152 (a), but she was
6 later convicted under 23152 (b).

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8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Conviction of Drug or Alcohol Related Crime)**

10 14. Respondent is subject to disciplinary action under Code section 2878, subdivision
11 (a), as defined in 2878.5, subdivision (c), in that on or around May 25, 2010, Respondent was
12 convicted of a criminal offense involving consumption of drugs and alcohol. Complainant refers
13 to, and incorporates by reference, the allegations set forth above in paragraph 13 and all
14 subparagraphs, as though set forth fully herein.

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16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Using Alcohol in a Dangerous Manner)**

18 15. Respondent is subject to disciplinary action under section 2878, subdivision (a), as
19 defined in section 2878.5, subdivision (b), in that on or around March 6, 2010, Respondent used
20 and/or was under the influence of alcohol in a manner dangerous or injurious to herself, any other
21 person, or the public. Complainant refers to, and incorporates by reference, the allegations set
22 forth above in paragraph 13 and all subparagraphs, as though set forth fully herein.

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16. Respondent is subject to disciplinary action Cal. Code of Regs., title 16, § 2518.6, subd. (b)(4), that Respondent has failed to abstain from chemical and substance abuse. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 13 and all subparagraphs, as though set forth fully herein. Complainant refers to, and incorporates by reference, the allegations set forth above in paragraph 13 and all subparagraphs, as though set forth fully herein.

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17. Respondent is subject to disciplinary action under Code section 2878, subdivision (a), in that Respondent engaged in unprofessional conduct. The conduct is more particularly described in paragraph 13, subparagraphs (a) and (b), inclusive, above, and herein incorporated by reference.

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1 substances while employed at a registry called Oasis Medical Staffing located in Upland,
2 California.

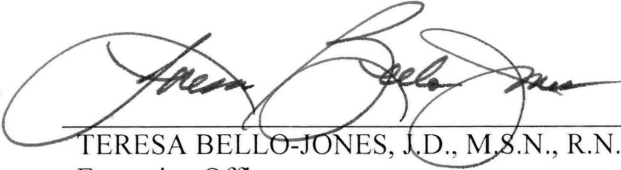
3 19. Complainant also alleges that on or about February 15, 2000, Respondent pled
4 guilty/nolo contendere one misdemeanor count of violating Veh. Code section 20002 (A)(1) [hit
5 and run] in the criminal proceeding entitled *The People of the State of California v. Karen Faye*
6 *Jackson* (Super. Ct. Los Angeles County, 2010, No. TWV29126). Respondent was ordered to
7 make restitution to the victim and to the Court.
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10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
13 issue a decision:
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- 15 1. Revoking or suspending Vocational Nurse License Number VN 108324, issued to Karen
16 Fay Jackson;
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18 2. Ordering Karen Fay Jackson to pay the Board of Vocational Nursing and Psychiatric
19 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
20 Business and Professions Code section 125.3; and
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22 3. Taking such other and further action as deemed necessary and proper.

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24 DATED: September 19, 2011


25 TERESA BELLO-JONES, J.D., M.S.N., R.N.
26 Executive Officer
27 Board of Vocational Nursing and Psychiatric Technicians
28 Department of Consumer Affairs
State of California
Complainant